

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Fitzpatrick Container Company,	:	Chapter 7
	:	
Debtor.	:	Bky. No. 20-14139 (PMM)
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	:	
Lynn E. Feldman, Chapter 7 Trustee,	:	
	:	
Plaintiff	:	
	:	
v.	:	
	:	
John B. Lynch, Jr.,	:	
	:	
Defendant.	:	Adv. No. 23-00070 (PMM)

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT**

AND NOW, upon consideration of Defendant John B. Lynch, Jr.’s Motion for Summary Judgment (doc. #79, the “Motion”) and the Response and Reply thereto:

AND for the reasons stated in the accompanying Memorandum Opinion:

It is hereby **ORDERED** that:

1. The Motion is **granted in part**; summary judgment is entered in favor of the Defendant on Counts III and IV of the Complaint only with regard to transfers made prior to October 19, 2018;
2. The Motion is **denied in part**; summary judgment is denied in full on Counts I, II, V, and VI of the Complaint, and denied on Counts III and IV of the Complaint with regard to transfers made on or after October 19, 2018;

3. The following trial schedule shall govern the proceeding going forward:
- a. A Joint Pretrial Statement **shall be filed** in accordance with Local Bankruptcy Rule 7016-1 on or before **Wednesday, November 06, 2024**.
 - b. A mandatory final pretrial/settlement conference shall be held on **Wednesday, November 13, 2024, at 2:00 p.m. in the United States Bankruptcy Court, Gateway Building, Fourth Floor Courtroom, 201 Penn St., Reading, Pennsylvania, 19601**.
 - c. If the adversary proceeding is not resolved prior to the conclusion of the final pretrial/settlement conference, the adversary proceeding shall be set down for trial at the Court's first available date.
 - d. Each party may file, no later than five (5) days prior to the date of trial, a trial memorandum with service on the opposing party and a courtesy copy delivered to Chambers. **The trial may be continued only in exceptional circumstances on Motion and leave of Court.**
 - e. All trial exhibits shall be pre-marked and exchanged at least three (3) business days prior to the date of trial.

Date: October 16, 2024



PATRICIA M. MAYER
U.S. BANKRUPTCY JUDGE